

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

DIANA S. MENGES,
Plaintiff,

No. 1:17-cv-0210-PK

OPINION AND ORDER

v.

NANCY A. BERRYHILL,
Deputy Commissioner of Operations,
performing the duties and functions not
reserved to the Commissioner of Social
Security,
Defendant.

MOSMAN, J.,

On April 2, 2018, Magistrate Judge Paul Papak issued his Findings and Recommendation (“F&R”) [23], recommending that the Court REVERSE the final decision of the Commissioner of Social Security (“Commissioner”) and REMAND this matter for an immediate award of benefits. The Commissioner filed Objections to the F&R [25] and Ms. Menges filed a Response to the Commissioner’s Objections. [26].

DISCUSSION


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to

make a de novo determination regarding those portions of the report or specified findings or recommendations as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny with which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge Papak's recommendations and ADOPT the F&R [23] as my own opinion. The Commissioner's final decision is REVERSED and this matter is REMANDED for an immediate award of benefits.

IT IS SO ORDERED.

DATED this 7th day of May, 2018.



MICHAEL W. MOSMAN
Chief United States District Judge